

REMARKS

Claims 1-5 remain in the application for consideration of the Examiner with claims 4 and 5 standing added.

Reconsideration and withdraw of the outstanding objections and rejections are respectfully requested in light of the above amendments and following remarks.

Claim 1 is now complete.

The disclosure was objected to under 37 CFR 1.71.

These objections are traversed.

The examiner questions how fluid flows into the buccal when there are no apertures.

The examiner's attention is directed to paragraph 7 of the instant application. Here, the applicant has described the enclosure as having a semi-permeable cover which allows the bidirectional flow of fluid and particles.

It is clear that the fluid flows in and out of the enclosure.

The examiner questions a mechanism to automatically move fluid inside of the buccal cavity and a mechanism to automate the process of rinsing and washing the buccal cavity.

The examiner's attention is directed to paragraph 8 of the instant specification. Here, it is explained that the motor pushes the fluid into the buccal cavity in an inflow cycle and pulls the fluid and particles from the buccal cavity and pushes them into an output tank in an outflow cycle.

Consequently, the mechanism to automatically move fluid inside of the buccal cavity is described.

Next, the examiner questions how fluid flows through one pipe to two different tanks, how the motor draws fluid into the buccal and how the motor removes fluid from the buccal.

The examiner's attention is directed to paragraph 9 of the instant application. Here, applicant has described that the inflow pipe provides a path of flow of fluid from the input tank to the outside of the enclosure. The output pipe provides a path of flow of fluid and particles from the inside of the enclosure to the output tank. This aspect is shown in figure 2.

Claim 1 was rejected under 35 USC Section 112, first paragraph as based on a disclosure which is not enabling.

This rejection is respectfully traversed.

The examiner alleges that how the fluid flows from the enclosure to the user's mouth is critical or essential to the practice of the invention and not included in the claims.

The examiner has misconstrued 35 USC section 112, first paragraph. Concerning the language of the statute, namely section 112, it should be evident that the pertinent inquiry should be determining whether the subject matter as defined in the claims is described in the specification. More particularly, the pertinent inquiry is whether the specification as a whole is such to enable one of ordinary skill in the art to make and use the claimed invention and whether the best mode contemplated by the inventor of carrying out the invention is set forth.

When the first paragraph speaks of 'invention', it can only be referring to the invention at which the applicant wishes to have protection by patent grant, for example the claimed invention. Thus, the claims must be analyzed first in order to determine exactly what subject matter they encompass.

The examiner appears to have taken the opposite analysis and determined from the specification in his opinion what is critical, and then the examiner has made an improper determination that this aspect should be part of the claimed subject matter.

The applicant has not stated what the critical aspect of the present invention is, and applicant submits that it is improper for the examiner to make this determination.

Again, the claims must be analyzed first in order to determine exactly what subject matter they encompass.

It is respectfully submitted that claims 1-5 are in full compliance with 35 USC section 112 and the disclosure is enabling.

Claim 1 was rejected under 35 USC Section 112, first paragraph as failing to comply with the written description requirement.

These rejections are respectfully traversed.

The examiner alleges that the specification fails to provide support for the mechanism to automatically move fluid inside the buccal cavity, a mechanism to automate the process of rinsing and washing the buccal cavity and how the fluid flows out of the enclosure and into the buccal.

The examiner's attention is directed to paragraph 8 of the instant specification. Here, it is explained that the motor pushes the fluid into the buccal cavity in an inflow cycle and pulls the fluid and particles from the buccal cavity and pushes them into an output tank in an outflow cycle.

It is respectfully submitted that claims 1-5 are in full compliance with 35 USC section 112 and complies with the written description requirement.

Claim 1 was rejected under 35 USC Section 112, second paragraph, as being indefinite.

Claim 1 have been amended, taking into consideration the helpful comments of the Examiner set forth in the office action.

It is respectfully submitted that Claims 1-5 are in full compliance with 35 USC Section 112 and particularly points out and distinctly claims the subject matter which applicant believe is his invention.

The drawings were objected to under 37 CFR 1.83.

These objections are traversed.

The examiner alleges that the mechanism to automatically move fluid inside the buccal cavity and a mechanism to automate the process of rinsing and washing the buccal cavity must be shown or the feature canceled from the claims.

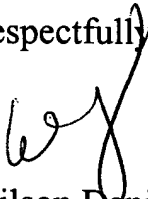
It has been shown above that these features are accomplished by motor M and is shown in figures 2 and 3.

Consequently, it has been shown that these features are shown in the drawings, and the drawings are in full compliance with 37 CFR 1.83.

In light of the above, it is respectfully submitted that the present application is in condition for allowance, and notice to that effect is respectfully requested.

If the Examiner should have any questions, applicant's legal representative can be contacted at 214-893-8886.

Respectfully submitted;

A handwritten signature in black ink, appearing to read 'W. Swayze, Jr.', written over the typed name.

Wilson Daniel Swayze, Jr.

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